

1 E. MARTIN ESTRADA  
United States Attorney  
2 MACK E. JENKINS  
Assistant United States Attorney  
3 Chief, Criminal Division  
MIRI SONG (Cal. Bar No. 291140)  
4 Assistant United States Attorney  
International Narcotics, Money  
5 Laundering, & Racketeering Section  
1400 United States Courthouse  
6 312 North Spring Street  
Los Angeles, California 90012  
7 Telephone: (213) 894-2262  
Facsimile: (213) 894-0142  
8 E-mail: miri.song@usdoj.gov

9 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,  
14 Plaintiff,  
15 v.  
16 ERICK OVIED ESTRADA, ET AL.,  
17 **ARIAN ALANI (#2),**  
18 Defendant.

No. CR 23-564-MWF-2

GOVERNMENT'S OPPOSITION TO  
DEFENDANT ARIAN ALANI AMENDED  
SECOND APPLICATION FOR  
RECONSIDERATION OF ORDER OF  
DETENTION; DECLARATION OF MIRI  
SONG; EXHIBITS 1-4

[PROPOSED] ORDER FILED  
SEPARATELY

20 Plaintiff United States of America, by and through its counsel  
21 of record, the United States Attorney for the Central District of  
22 California and Assistant United States Attorney MiRi Song, hereby  
23 files its Opposition to defendant Arian Alani's Amended Second  
24 Application for Review/Reconsideration of Order of Detention.

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1        This Opposition is based upon the attached memorandum of points  
2 and authorities, the attached declaration and exhibits, the files  
3 and records in this case, and such further evidence and argument as  
4 the Court may permit.

5 DATED: February 9, 2024

E. MARTIN ESTRADA  
United States Attorney

6  
7 MACK E. JENKINS  
Assistant United States Attorney  
8 Chief, Criminal Division

9  
10 /s/ MiRi Song

MIRI SONG  
Assistant United States Attorney  
11 Attorneys for Plaintiff  
12 UNITED STATES OF AMERICA  
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**MEMORANDUM OF POINTS AND AUTHORITIES****I. INTRODUCTION**

Bail is not appropriate here. Defendant presents an unacceptable danger to the community and risk of nonappearance that demand detention pending trial. Defendant's actions directly led to the untimely death of a young man less than two years ago from fentanyl poisoning. As the victim's parents and friends continued to grieve, defendant continued to live his life, party, and deal drugs to others. On the date of his arrest, defendant was found coming home from a party with "friends" with a digital scale, baggies, ketamine, methamphetamine, and cocaine on his person. Defendant is an unrepentant drug dealer and an admitted user. Defendant therefore presents a danger to himself and the people around him. With a potential mandatory minimum sentence of 20 years, a foreign citizenship, history of international travel, and the means for such travel, defendant also presents a high risk of nonappearance. The proposed sureties are unsuitable, and the conditions proposed to mitigate the risks are not sufficient. Thus, the government requests that the Court deny defendant's application for release.

**II. PROCEDURAL HISTORY**

On November 15, 2023, defendant was indicted for Conspiracy to Distribute Controlled Substances, in violation of 21 U.S.C. § 846, and Distribution of Fentanyl Resulting in Death, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C). (ECF No. 1.) A week later, defendant was arrested and made his initial appearance on November 22, 2023, at which time this Court ordered him detained. (ECF No. 33.) On December 15, 2023, defendant applied for a review of the

1 order of detention. (ECF No. 77.) On December 20, 2023, this Court  
2 held a hearing and held that defendant was to remain permanently  
3 detained. (ECF No. 82.) Defendant now applies again for  
4 reconsideration of his detention order, and proposes the following  
5 sureties and conditions of release:

- 6 • Two sureties (Cedric Cid and Virginia Cid);
- 7 • \$300,000 bond secured by \$20,000 in cash;
- 8 • Enrollment in residential drug treatment facility;
- 9 • Drug testing and mental health evaluation;
- 10 • Location monitoring with curfew;
- 11 • Travel restricted to this district;
- 12 • Surrender of travel documents; and
- 13 • Others the Court deems appropriate.

14 (ECF No. 115.)

### 15 **III. STATEMENT OF FACTS**

16 On June 9, 2022, defendant met with the victim at a mall and  
17 sold the victim fake oxycodone pills that contained fentanyl. (ECF  
18 NO. 1, Indictment, p. 7.) The victim died shortly after this  
19 meeting in the mall parking lot after ingesting half a pill. Id.  
20 Defendant knew that the pills he provided the victim was responsible  
21 for the victim's death, for the next day on June 10, 2022, defendant  
22 texted his supplier, co-defendant Erick Oved Estrada, "[m]y boy just  
23 died yesterday," and scolded that Estrada "[s]houldn't be selling  
24 shit with fentanyl." Id.

25 In addition, a search warrant that was executed in the  
26 residence where defendant was residing with his partner, Cedric Cid,  
27 and officers found several indicia of drug dealing and controlled  
28 substances.

1       **IV.    ARGUMENT**

2           A. Legal Standard

3           This is a presumption case, meaning that defendant is both a  
 4 danger and a flight risk due to the seriousness of his charges,  
 5 which carry a mandatory minimum of 20 years. 18 U.S.C.  
 6 §§ 3142(e)(2)(A), (f)(A). The presumption "[O]nce the defendant  
 7 offers some rebuttal evidence, the presumption of flight or danger  
 8 does not burst or disappear." United States v. Ward, 63 F. Supp.2d  
 9 1203, 1209 (C.D. Cal. 1999) (citing cases); see also United States  
 10 v. Dillon, 938 F.2d 1412, 1416 (1st Cir. 1991). Congress intended  
 11 that the statutory presumptions would have a practical effect.  
 12 United States v. Jessup, 757 F.2d 378, 382 (1st Cir. 1985),  
 13 abrogated on other grounds by United States v. O'Brien, 895 F.2d 810  
 14 (1st Cir. 1990). Thus, the presumption "remains in the case as an  
 15 evidentiary finding militating against release, to be weighed along  
 16 with other evidence relevant to factors listed in § 3142(g)."  
 17 United States v. Hir, 517 F.3d 1081, 1086 (9th Cir. 2008) (quoting  
 18 United States v. Dominguez, 783 F.2d 702, 707 (7th Cir. 1986))  
 19 (quotation marks omitted); See also United States v. Perez-Franco,  
 20 839 F.2d 867, 870 (1st Cir. 1986).

21           If a defendant proffers evidence to rebut the presumption, the  
 22 court then also considers: "the circumstances of the offense  
 23 charged"; "the weight of the evidence"; the defendant's "history and  
 24 characteristics," including whether the defendant was on probation  
 25 at the time of the charged offense; and "the nature and seriousness  
 26 of the danger to any person or the community" posed by the  
 27 defendant's release. 18 U.S.C. § 3142(g). The weight of the  
 28 evidence is the least important of the factors. United States v.

1 Winsor, 785 F.2d 755, 757 (9th Cir. 1986). However, the nature of  
2 the offense and evidence of guilt are relevant to the likelihood  
3 that a person will flee or pose a danger. Id.

4 B. Defendant's Risk of Nonappearance Is High and Cannot Be  
5 Adequately Mitigated with Conditions

6 Defendant is a foreign national, specifically a citizen of  
7 Denmark, with ties outside of this country. Defendant's history of  
8 international travel shows that he also has the means to leave this  
9 country and avoid prosecution for charges that carry a mandatory  
10 minimum sentence of 20 years, a compelling incentive for anyone to  
11 flee.

12 The proposed conditions to mitigate this risk are insufficient,  
13 and indeed it is the government's position that there are no  
14 conditions available that would lower the risk to a level acceptable  
15 for bail. Location monitoring with curfew and \$300,000 bond secured  
16 with \$20,000 with his partner (Cedric Cid) and his partner's mother  
17 (Virginia Cid) serving as sureties are insufficient. Location  
18 monitoring does not reveal what defendant is doing at various  
19 locations that are also likely unknown to Pretrial Services. The  
20 sureties are also unsuitable. It was within Mr. Cid's house where  
21 officers found drugs and indicia of drug dealing. Defendant's drug  
22 dealing that led to the death of a young man happened right under  
23 Mr. Cid's nose in his house. Ms. Cid is also unsuitable as it  
24 appears she is physically unavailable to even sign a piece of paper  
25 to complete the property bond process. This is not someone who  
26 would be able to provide the extra layer of oversight needed. For  
27 that same reason, defendant is now no longer offering property to  
28 secure the bond. The removal of a significant portion of the

1 initial bond package additionally dooms this package. Additionally,  
2 taking away travel documents and restricting travel to this district  
3 are not effective conditions that would ensure defendant's presence  
4 in this district. Defendants with similar conditions have been able  
5 to travel to Mexico without a passport and then leave to other  
6 countries, including non-extraditing countries like China.

7 C. Defendant Is a Danger to The Community and No Condition  
8 Can Adequately Mitigate that Danger

9 Defendant killed someone he called a "friend." Defendant  
10 bought fentanyl pills from an unknown and questionable source and  
11 then passed them on to the victim. The pills were so potent that  
12 half a dose killed the victim. On the day of defendant's arrest for  
13 this case, defendant was found with the following controlled  
14 substances on his person, as confirmed by laboratory tests:  
15 ketamine, cocaine, and methamphetamine. Also on his person were a  
16 used digital scale with white powdery residue and baggies. Thus,  
17 after killing his friend with drugs less than two years ago,  
18 defendant was peddling more dangerous drugs to other "friends."  
19 Defendant is a danger to the community. Drug testing, mental  
20 evaluation, and even a residential treatment facility cannot ensure  
21 that the danger to the defendant and the community are adequately  
22 addressed. Additionally, while such measures could help address  
23 defendant's danger to himself, they do not directly address danger  
24 to the community. Indeed, defendants have been able to walk out of  
25 residential treatment facilities and there is nothing the facilities  
26 can do to stop them.

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1 **III. CONCLUSION**

2 Defendant is a drug dealer, and a victim died of fentanyl  
3 poisoning as a result. Defendant is dangerous and releasing him on  
4 bail pending trial is giving him a chance to flee. The danger and  
5 flight risk levels are unacceptably high, and no condition or  
6 combination of conditions can make them palatable enough for  
7 release. The government continues to recommend detention and  
8 request that the Court reject defendant's application.